

JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

FOURTH DAY, TUESDAY, JANUARY 12, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Msgr. Donald W. Lammers.

Almighty God, we give thanks for the trust placed in us through the call to serve the people of our districts. Help all our people in their needs, especially those who suffer from the cold of this winter, and protect those whose work keeps them in the cold most of the day.

As we resume thinking of budget and considering bills, give us the grace to fulfill the Word Your prophet shouts "...Do justice!" (*Micah 6:8*). If the money we have to work with shows a decrease, may the justice we practice show an increase.

Lord God, we pray for our President, and for Congress, and for the Judiciary. May Your Holy Spirit empower all of them to "do justice".

We pray for our armed forces, especially for those who are serving in areas of warfare. Preserve them from injury and death; bring them home soon.

To You be glory and honor, now and forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Carson Foster and Ethan Foster.

The Journal of the third day was approved as corrected by the following vote:

AYES: 147

| | | | | |
|-----------|-------------|------------|----------------|-----------------|
| Allen | Atkins | Aull | Biermann | Bivins |
| Brandom | Bringer | Brown 30 | Brown 149 | Bruns |
| Burlison | Burnett | Carter | Casey | Chappelle-Nadal |
| Colona | Corcoran | Cox | Cunningham | Curls |
| Davis | Day | Deeken | Denison | Dethrow |
| Dieckhaus | Diehl | Dixon | Dougherty | Dugger |
| Dusenberg | Emery | Englund | Ervin | Faith |
| Fallert | Fischer 107 | Fisher 125 | Flanigan | Flook |
| Frame | Franz | Funderburk | Gatschenberger | Grill |
| Grisamore | Guernsey | Guest | Harris | Hobbs |
| Hodges | Holsman | Hoskins 80 | Hoskins 121 | Hummel |
| Iceet | Jones 63 | Jones 89 | Jones 117 | Kander |
| Keeney | Kelly | Kingery | Kirkton | Koenig |
| Komo | Kratky | Kraus | Kuessner | Lair |

| | | | | |
|------------|-------------|-----------|------------|-------------|
| Lampe | Largent | Leara | LeBlanc | LeVota |
| Liese | Lipke | Loehner | Low | McClanahan |
| McDonald | McGhee | McNary | McNeil | Meadows |
| Meiners | Molendorp | Morris | Munzlinger | Nance |
| Nasheed | Newman | Nolte | Norr | Oxford |
| Pace | Parkinson | Parson | Pollock | Pratt |
| Riddle | Roorda | Rucker | Ruestman | Ruzicka |
| Salva | Sander | Sater | Scavuzzo | Schaaf |
| Schad | Scharnhorst | Schieffer | Schlottach | Schoeller |
| Schoemehl | Schupp | Silvey | Skaggs | Smith 14 |
| Smith 150 | Spreng | Stevenson | Storch | Stream |
| Sutherland | Swinger | Thomson | Tilley | Todd |
| Viebrock | Vogt | Wallace | Walsh | Walton Gray |
| Wasson | Webber | Wells | Weter | Wilson 119 |
| Wilson 130 | Witte | Wright | Yaeger | Zerr |
| Zimmerman | Mr Speaker | | | |

NOES: 001

Talboy

PRESENT: 000

ABSENT WITH LEAVE: 011

| | | | | |
|----------|----------|---------|--------|--------|
| Brown 50 | Calloway | Cooper | Hughes | Nieves |
| Quinn | Self | Shively | Still | Tracy |
| Webb | | | | |

VACANCIES: 004

SPECIAL RECOGNITION

The Osage County R-1 Chamois High School Track Team was introduced by Representative Loehner and recognized for attaining the 2009 Class 1 State Championship.

The Lindenwood University Hockey Team was introduced by Representative Gatschenberger and recognized for attaining the 2009 National Championship.

HOUSE RESOLUTIONS

Representative Deeken offered House Resolution No. 71.
Representative Ictet offered House Resolution No. 72.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 68 through House Resolution No. 70
House Resolution No. 73 through House Resolution No. 90

HOUSE CONCURRENT RESOLUTION

Representative Holsman, et al., offered House Concurrent Resolution No. 19.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 17 was read the second time.

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 70 was read the second time.

SECOND READING OF HOUSE BILLS

HB 1562 through **HB 1580** were read the second time.

REFERRAL OF HOUSE RESOLUTIONS

The following House Resolutions were referred to the Committee indicated:

HR 71 - Rules

HR 72 - Rules

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 1542 - Tourism

HB 1544 - Special Standing Committee on Workforce Development and Workplace Safety

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was read the first time and copies ordered printed:

HCR 20, introduced by Representatives Dusenberg, Wallace, Munzlinger, Emery, Sater, Kraus, Grisamore, Fischer (107) and Riddle, relating to the designation of the Missouri State Highway Patrol's airport hangar in Jefferson City as the "Greim-May Memorial Hangar".

INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

HJR 71, introduced by Representative Koenig, relating to the revenue-neutral replacement of all taxes on income with an amended sales and use tax.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 1581, introduced by Representatives Sutherland, Molendorp, Chappelle-Nadal, McDonald, Kirkton and Atkins, relating to public roadways.

HB 1582, introduced by Representative Sutherland, relating to no tax due statements.

HB 1583, introduced by Representatives Jones (117), Bruns, Nance, Still, Sater, Jones (89), Bivins, Loehner, Ruestman, Grisamore and Ruzicka, relating to the Missouri state employees' retirement system.

HB 1584, introduced by Representatives Jones (117), Nance, Atkins, Sater, Jones (89), Yaeger, Bivins, Grisamore, Dougherty and Wilson (119), relating to manufactured homes.

HB 1585, introduced by Representative Brown (30), relating to a special license plate.

HB 1586, introduced by Representatives Kirkton, Jones (63), Burnett, Walton Gray and Newman, relating to sales tax exemptions.

HB 1587, introduced by Representatives Grill, Diehl, Sutherland, Storch, Hughes, Brown (50), Nasheed, Still, Jones (63), Corcoran, Meadows, Schieffer, Roorda, Walton Gray, Yaeger, Rucker, Newman, Colona and Holsman, relating to tax credits for qualified film production projects.

HB 1588, introduced by Representative Molendorp, relating to the practice of dentistry.

HB 1589, introduced by Representatives Hobbs, Webber, Kelly, Still and Quinn, relating to competitive bid requirements.

HB 1590, introduced by Representatives Hobbs, Webber, Kelly, Still and Quinn, relating to certain county counselors.

HB 1591, introduced by Representatives Hobbs, Webber, Kelly, Still and Quinn, relating to abatement of nuisances.

HB 1592, introduced by Representatives Hobbs, Webber, Kelly, Still and Quinn, relating to building codes.

HB 1593, introduced by Representatives Hobbs, Webber, Kelly, Still and Quinn, relating to neighborhood improvement districts.

HB 1594, introduced by Representatives Hobbs, Webber, Kelly, Still and Quinn, relating to the extension of certain county taxes.

HB 1595, introduced by Representatives Dugger, Atkins, Diehl and Munzlinger, relating to projects by industrial development corporations.

HB 1596, introduced by Representative Pollock, relating to adverse possession.

HB 1597, introduced by Representatives Deeken and Fischer (107), relating to minimum pay for certain corrections employees.

HB 1598, introduced by Representatives Deeken and Fischer (107), relating to state employees.

HB 1599, introduced by Representatives Walsh, LeVota, Skaggs, Pace, Kratky, Walton Gray, Lampe, Nance, Harris, Funderburk, Meadows, Frame, Englund, Schieffer, Scavuzzo, Oxford, Carter and Corcoran, relating to unfair and deceptive practices in telephone billing for miscellaneous products or service.

HB 1600, introduced by Representative Dusenberg, relating to workers' compensation.

HB 1601, introduced by Representatives Nasheed, Tilley, Webb, Carter, Harris, Morris, Hoskins (80), Oxford, LeBlanc, Diehl, Calloway, Rucker, Pace, Walton Gray, Smith (150), Schoeller, Grisamore, Atkins and Jones (63), relating to the St. Louis police force.

HB 1602, introduced by Representatives Funderburk, Parkinson, Jones (89), Day, Fisher (125), Ruestman, Burlison, Nieves and Koenig, relating to the Missouri energy freedom act.

COMMITTEE APPOINTMENTS

January 12, 2010

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 306
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Andrew Koenig to serve on the Special Standing Committee on Urban Issues.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard
Speaker

January 12, 2010

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 306
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Mike Leara to serve on the Judiciary Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard
Speaker

January 12, 2010

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 306
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Jeanette Oxford to serve on the Special Standing Committee on Children and Families.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard
Speaker

January 12, 2010

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 306
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Jeanie Riddle to serve on the Corrections and Public Institutions Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard
Speaker

January 12, 2010

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 306
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Steve Webber and Representative Tishaura Jones to serve on the Job Creation and Economic Development Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard
Speaker

COMMUNICATIONS

January 12, 2010

Mr. D. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss,

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I am a retired member of the Public School Retirement System (PSRS).

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

Thank you for your attention to this matter.

Sincerely,

/s/ Mike Lair
State Representative
District 7

January 12, 2010

Mr. D. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
State Capitol
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss,

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I have invested in an agriculture value-added cooperative from which I have received a new generation cooperative incentive tax credit and from which I may be eligible to receive new generation cooperative loan guarantees. I may also benefit from incentive funds provided by the State to this cooperative. I do not have more than a ten percent interest in the cooperative.

In compliance with Section 105.461, RSMo, please publish this letter in the Journal of the House.

I thank you for your attention to this matter.

Sincerely yours,

/s/ Terry Witte
State Representative
District 10

The following members' presence was noted: Brown (50), Calloway, Cooper, Hughes, Quinn, Self, Shively and Still.

ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Wednesday, January 13, 2010.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Third Day, Monday, January 11, 2010, Page 48, Line 5, by inserting immediately after said line the following:

REFERRAL OF HOUSE RESOLUTIONS

The following House Resolutions were referred to the Committee indicated:

HR 52 - Rules

HR 67 - Rules

COMMITTEE MEETINGS

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, January 13, 2010, 2:00 p.m. Hearing Room 7.

Public testimony for Missouri Department of Conservation and Missouri Department of Agriculture.

APPROPRIATIONS - EDUCATION

Tuesday, January 19, 2010, 2:00 p.m. Hearing Room 1.

Organizational meeting and public testimony.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, January 13, 2010, 8:00 a.m. Hearing Room 5.

Department overview continued.

Committee will reconvene upon morning adjournment. CANCELLED

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, January 14, 2010, 8:00 a.m. Hearing Room 5.

Department overview continued.

Committee will reconvene upon morning adjournment.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, January 19, 2010, 12:00 p.m. Hearing Room 5.

Department overview continued.

HEALTHCARE TRANSFORMATION

Wednesday, January 13, 2010, 3:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HB 1377

HIGHER EDUCATION

Wednesday, January 13, 2010, 8:00 a.m. Hearing Room 6.

Midwestern Higher Education Compact presentation on 2010 Missouri State Report.

Members of the Joint Committee on Education will also attend this presentation.

JOINT COMMITTEE ON EDUCATION

Wednesday, January 13, 2010, 1:00 p.m. Hearing Room 1.

Election of Vice-Chair, review of Department of Elementary and Secondary Education critical needs budget request, Department of Higher Education presentation on higher education funding model.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, January 21, 2010, 9:00 a.m. Hearing Room 1.

First quarter meeting.

RETIREMENT

Thursday, January 14, 2010, 8:30 a.m. Hearing Room 1.

Informational meeting only with directors of the state retirement agencies.

No legislation will be discussed.

SMALL BUSINESS

Wednesday, January 13, 2010, 12:00 p.m. Hearing Room 3.

Joint committee meeting Small Business, Job Creation and Economic Development.

Informational meeting presentations by Small Business Development Center; National Federation of Independent Businesses.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN ANIMAL AGRICULTURE

Wednesday, January 13, 2010, 8:00 a.m. Hearing Room 7.

Informational meeting with Steve Hamra, Bell City will present information hydroponic farms.

Presentations by Department of Conservation, Department of Agriculture and the Farm Bureau.

SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE

Tuesday, January 19, 2010, 12:00 p.m. Hearing Room 5.

Public hearings to be held on: HB 1311, HB 1341

HOUSE CALENDAR

FIFTH DAY, WEDNESDAY, JANUARY 13, 2010

HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING

HCR 20

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 71

HOUSE BILLS FOR SECOND READING

HB 1581 through HB 1602